

Senator Dennis Damon
Representative Leila Percy
Members of the Joint Standing Committee on Marine Resources

February 27th, 2008

Dear Senator Damon, Representative Percy and Members of the Committee,

As you are aware, the November 29th, 2007 Maine Peer Team Review that resulted from Resolve 2007, Chapter 82 makes specific reference to a policy of the Department of Marine Resources that the Review cites as a conflict of interest and which derives from the following statute:

12 M.R.S.A. §6691. Water quality samplers

A commercial shellfish license holder who complies with the shellfish sanitation program's quality assurance and quality control training and certification requirements as administered by the department may serve as a volunteer water quality sampler for the department.

Specifically the Review states the following on pages 7 and 10:

“The review team does not recommend the use of industry for the actual collection of the water samples due to conflict of interest.”

“The review team does not recommend the use of industry for the actual collection of the water samples as the use may be conflicting.”

In keeping with this agency's understanding of the Marine Resources Committee's desire that all recommendations of the 2007 Review be implemented we want to inform you that effective today we will not be allowing any individuals who hold commercial shellfish licenses to serve as water quality samplers for the Department. Unless the Committee objects however we will continue to allow the few individuals who currently meet this definition to gather samples for us.

Thank you for allowing me to bring this policy change to your attention. Please advise should you have any concerns or questions.

Sincerely,

David Etnier
Deputy Commissioner